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3 October 1978

NOTE FOR SA/DCI/CI

OLC #78-5343

Rusty,

I attended a meeting in State on 3 October to discuss the data-gathering efforts of Abe Schulsky on behalf of Senator Moynihan, who desires early hearings on his bill concerning foreign telephone intercept activities in the U.S.

Schulsky has so far talked with NSA (Adm. Inman and his OLC, ) Commerce (Paul Bortz) and OSTP (Col. Kay). He is now seeking appointments with Dave Mark, Deputy INR, and Sherrod McCall, Soviet Desk and Chairman of the Property Committee, in State.

The issue is when to have hearings, whether they will be open or closed, and the scope of matters to be discussed.

Schulsky is using his data-gathering efforts to obtain fairly comprehensive briefings on the activities of involved agencies and the status of implementation of PD-24. Most of these subjects go well beyond the immediate aspects of the draft bill on which hearings are to be held.

Additionally, the bill has been referred to Judiciary and Foreign Relations Committees, neither of which includes Senator Moynihan as a member. However, he is a member of the Intelligence Committee, and Senator Bayh, as a member of Judiciary, is Chairman of the Judiciary Subcommittee on the Constitution. It is likely this latter Subcommittee may be the scene of the hearings.

Senator Moynihan desired early (October 1978) open hearings. However, Schulsky has received so many pleas for closed hearings and so many arguments for not having open hearings that he is leaning toward closed hearings. The Senator has not indicated his position, however. As to timing, they are now talking of hearings in January/February or in the spring. (Note the bill must be reintroduced in the 96th Congress.)

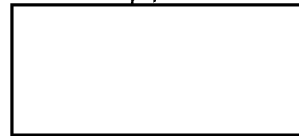
Schulsky was permitted to read PD-24 in Col. Kay's office, and he is following up to obtain status reports on the several actions indicated in the Directive. He also is anxious to learn more about the diplomatic approach made to the Soviets on this subject last November. (This was a White House/NSC action, and he will have to go there for information.)

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It was agreed by all concerned that we would exchange information on further Schulsky discussions and keep each other informed on developments.



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